IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22677 of 2004

Between:

P. Chinthalaiah S/o Buddaiah
R/o LIG 74, APHB Colony Nagarkurnool, Mahaboobnagar District

..... PETITIONER

AND

1 The Depot Manager, APSRTC., Gadwal Depot, Gadwal, Mahaboobnagar District
2 The Regional Manager, APSRTC., Mahaboobnagar Region, Mahaboobnagar District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No.02/96(146)96-GDWL, dated 25-1-1997 of the 1st Respondent as illegal, arbitrary in violation of Principles of natural justice and in violation of Article 14 and 21 of the Constitution of India and consequently direct the respondents to add the two annual increments to the pay of the petitioner and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.DAMODAR REDDY GOPIREDDY

Counsel for the Respondent Nos : 1 & 2: MR.P.VINAYAKA SWAMY, STANDING COUNSEL FOR APSRTC

The Court at the stage of admission made the following

ORDER:

The petitioner is working as a Conductor in the respondent-Corporation. A charge memo was issued to him for causing cash and ticket irregularities. The petitioner submitted his explanation. The grievance of the petitioner is that the 1st respondent without considering the circumstances explained by him through his explanation and without conducting any enquiry, passed the impugned order, stopping two annual increments with cumulative effect. The petitioner made a representation dated 2.3.1997 to the 2nd respondent challenging the order of the first respondent. Since, no orders were passed on the said representation, the petitioner

approached this Court through this writ petition to declare the proceedings No.02/96 (146) 96-GDWL. Dated 25-1-1997 of the 1st respondent as illegal, arbitrary, in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and consequently to direct the respondents to add two annual increments to the pay of the petitioner.

The petitioner contends that the punishment imposed on him is a major penalty and it cannot be imposed without conducting any enquiry. Therefore, it amounts to violation of the rules as well as the principles of natural justice. The respondents did not place any material to show whether any enquiry was conducted subsequent to the explanation filed by the petitioner. In the absence of such material, it has to be held that the first respondent failed to follow the procedure prescribed under the rules and regulations. Therefore, the impugned order dated 25-1-1997 is not sustainable under law.

Having regard to the facts and circumstances of the case, I am inclined to modify the punishment of stoppage of two increments with cumulative effect imposed on the petitioner into one of stoppage of two increments without cumulative effect.

The writ petition is accordingly disposed of. No order as to costs.

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08-12-2004

bsv

To

1 The Depot Manager, APSRTC., Gadwal Depot, Gadwal, Mahaboobnagar District
2 The Regional Manager, APSRTC., Mahaboobnagar Region, Mahaboobnagar District

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